

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC

Plaintiff,

v.

SAMSUNG ELECTRONIC CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:22-CV-00422-JRG-RSP

DEFENDANTS' UNOPPOSED MOTION TO AMEND DOCKET CONTROL ORDER

Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung” or “Defendants”) respectfully file this Unopposed Motion to Amend the Docket Control Order and would show the Court as follows. Plaintiff Headwater Research, LLC (“Headwater”) does not oppose the Motion.

The parties have been working diligently throughout this expert discovery period to prepare and serve expert reports. Additionally, the parties have been negotiating in good faith over an expert deposition schedule that accommodates both parties’ and the experts’ schedules. Given the number of experts involved, finding a workable scheduling arrangement for expert depositions within the current expert discovery period has proven difficult. Compounding this, certain experts have unavoidable conflicts within the current discovery period. In light of these scheduling conflicts, good cause exists for the proposed schedule modifications.

Samsung respectfully submits that a small extension to the strike/*Daubert* motion related deadlines, would help to alleviate the aforementioned scheduling conflicts and allow the parties to proceed with expert discovery with better efficiency. Headwater does not oppose.

No other deadlines will be affected by this amendment, nor will there be any disruption to the trial schedule. Under the requested extensions, responses to *Daubert*/strike motions would be due four days later than currently scheduled, which is still five weeks prior to the pre-trial conference.

Samsung represents that this Motion is not filed for the purposes of delay but rather so that justice may be served.

Accordingly, Samsung respectfully requests that the Court grant this Unopposed Motion to Amend the Docket Control Order (Dkt. No. 186) as follows:

Original Date	Amended Date	Event
May 24, 2024	May 28, 2024	*Response to Strike/ <i>Daubert</i> Motions. Responses to Strike/ <i>Daubert</i> motions that were filed prior to the motion deadline shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.
May 24, 2024	May 24, 2024	*Response to Dispositive Motions. Responses to dispositive motions that were filed <u>prior</u> to the dispositive motion deadline, shall be due in accordance with Local Rule CV-7(e), not to exceed the deadline as set forth in this Docket Control Order. Motions for Summary Judgment shall comply with Local Rule CV-56.
May 10, 2024	May 14, 2024	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) regarding any damages-related expert opinions (Kennedy, Groehn, Ugone, Kline, Butler) No motion to strike damages-related expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.
May 10, 2024	<i>No change</i>	*File Motions to Strike Expert Testimony (including <i>Daubert</i> Motions) regarding any technical expert opinions (De la Iglesia, Schonfeld) No motion to strike technical expert testimony (including a <i>Daubert</i> motion) may be filed after this date without leave of the Court.

Original Date	Amended Date	Event
May 10, 2024	<i>No change</i>	<p>*File Dispositive Motions</p> <p>No dispositive motion may be filed after this date without leave of the Court.</p> <p>Motions shall comply with Local Rule CV-56 and Local Rule CV-7. <u>Motions to extend page limits will only be granted in exceptional circumstances. Exceptional circumstances require more than agreement among the parties.</u></p>
May 9, 2024	<i>No change</i>	Deadline to Complete Expert Discovery

Dated: May 3, 2024

Respectfully submitted,

By: /s/ Sara C. Fish

Ruffin B. Cordell

TX Bar No. 04820550

Michael J. McKeon

DC Bar No. 459780

mckeon@fr.com

Jared Hartzman (*pro hac vice*)

DC Bar No. 1034255

hartzman@fr.com

FISH & RICHARDSON P.C.

1000 Maine Avenue, SW, Ste 1000

Washington, D.C. 20024

Telephone: (202) 783-5070

Facsimile: (202) 783-2331

Thad C. Kodish

GA Bar No. 427603

tkodish@fr.com

Benjamin K. Thompson
GA Bar No. 633211
bthompson@fr.com
Nicholas A. Gallo (*pro hac vice*)
GA Bar No. 546590
gallo@fr.com
Steffen Lake (*pro hac vice*)
GA Bar No. 512272
lake@fr.com
Sara C. Fish
sfish@fr.com
GA Bar No. 873853
Noah C. Graubart
GA Bar No. 141862
graubart@fr.com
Katherine H. Reardon
NY Bar No. 5196910
reardon@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St. NE, Fl. 21
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Leonard E. Davis
TX Bar No. 05521600
ldavid@fr.com
Andria Rae Crisler
TX Bar No. 24093792
crisler@fr.com
Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201
Telephone: (214) 747-5070
Facsimile: (214) 747-2091

John-Paul R. Fryckman (*pro hac vice*)
CA Bar No. 317591
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Melissa R. Smith
State Bar No. 24001351
Melissa@gillamsmithlaw.com
Harry L. Gillam, Jr.
State Bar No. 07921800
gil@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Andrew Thompson (“Tom”) Gorham
State Bar No. 24012715
tom@gillamsmithlaw.com
James Travis Underwood
State Bar No. 24102587
travis@gillamsmithlaw.com
GILLAM & SMITH, LLP
102 N. College, Ste. 800
Tyler, Texas 75702
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Grant Schmidt
Texas Bar No. 24084579
gschmidt@hilgersgraben.com
Jon Hyland
jhyland@hilgersgraben.com
Texas Bar No. 24046131
Theodore Kwong
tkwong@hilgersgraben.com
Texas Bar No. 4087871
HILGERS GRABEN PLLC
7859 Walnut Hill Lane, Suite 335
Dallas, Texas 75230
Telephone: 469-751-2819

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff and counsel for Defendants have met and conferred in compliance with Local Rule CV-7(h). Plaintiff does not oppose this motion.

/s/ Sara C. Fish
Sara C. Fish

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on May 3, 2024. As of this date, all counsel of record had consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Sara C. Fish
Sara C. Fish